

DPS-239

May 19, 2005

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **05-1906**

DERRICK RANKINE

v.

RAYMOND SOBINA,  
Superintendent, et al.

(W.D. Pa. Civ. No. 03-cv-00313E)

Present: ROTH, BARRY AND SMITH, CIRCUIT JUDGES

Submitted by the Clerk for possible dismissal due to a jurisdictional defect,  
in the above-captioned case.

Respectfully,  
Clerk

MMW/BNB/as/crg

ORDER

This Court may hear appeals only from final orders of the District Court. 28 U.S.C. § 1291. The order must end the litigation as to all claims and all parties. See Andrews v. United States, 373 U.S. 334 (1963). Because the District Court's order entered March 1, 2005, granting the defendants' motion to dismiss did not dismiss all claims as to all parties and is not certified by the District Court under Fed. R. Civ. P. 54(b), it is not appealable at this time. Accordingly, the appeal is dismissed for lack of appellate jurisdiction.

By the Court,

/s/ D. Brooks Smith  
Circuit Judge

Dated: August 10, 2005  
CRG/cc: Mr. Derrick Rankine  
Robert S. Englesberg, Esq.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk